

Serial No. 10/707,533
Examiner: Thach H. Bui
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REMARKS

Claims 1-20 are rejected under 35 U.S.C. § 112 as well as under 35 U.S.C. § 102(b). These rejections are believed to be overcome in view of the above amendments to the specification and claims.

35 U.S.C. § 112

This rejection is overcome by the amendments to paragraphs 0023 and 0024. The Examiner's attention is respectfully directed to paragraph 0024 wherein a first support member and a second support member are recited.

As to the rejection of Claims 1, 4 and 8 as being vague and indefinite, it is submitted that proper antecedent basis is provided in Claim 1 for the first and second support member as a first and a second support member are initially referred to in lines 3 and 5.

An amendment is made to claims 4 and 18.

35 U.S.C. § 102(b)

Claim 1, and Claim 11 as well as Claims 2-10 and 12-20, are amended to define the first support member being constructed and arranged to facilitate the filling of the container when the nozzle portion is placed in the first support member and a container is placed in the second support member. These claims also recite that the first and second support members are spaced from each other in substantial axial alignment. This feature is nowhere found in Toetschinger, et al. (USPN 6,158,673). In FIGURE 4 of Toetschinger, et al., a spray wand 408 is shown resting on container spout 418 and positioned over containers 419a. There is no disclosure of a support member for spray wand 408 being disposed in axial alignment with containers 419a and b. In fact, Toetschinger, et al. describes a dispensing unit which is just the opposite of applicants. As stated in column 8, lines 34-37, the spray nozzle selects concentrate from containers 419a and b, not the filling of the containers as in applicants' apparatus.

FIGURE 5 of Toetschinger, et al. does not have any meaningful disclosure.

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In view of the foregoing amendments and remarks, this application is believed to be in condition for allowance. If for any reason it is not in such condition, the Examiner is respectfully requested to call Applicants' attorney for a telephone interview at (262) 631-4583.

The Commissioner is hereby authorized to charge any fees which may be due, or to credit any overpayments made, to Deposit Account No. 50-0231.

Respectfully submitted,

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